

onboard and builds a "Health Report" indicating their presence or absence and their status. This "Health Report" is transmitted to wayside or base station 54 along the edge of the track, which is subsequently transmitted to the front end processor 46. As specifically indicated in column 8, line 43, "the mobile communications package 12 monitors the on-board intelligent devices and reports initial configuration and configuration changes to the front end processor 46."

As a first point of distinction, there is no description that the intelligent devices can be event recorders, train performance data or track data in files. As indicated in column 6, lines 36-38, the intelligent devices include the locomotive computer 20, the interrogator 22, and the displays 24, 26 and 28. Even if the intelligent devices are interpreted to include such types of devices, the information in these files are not being collected from the intelligent devices for transmission, but only whether an event recorder train data monitoring devices and track monitoring devices are present or not present or active. In Neeson et al., train speed and control information is transferred from the train to processor 46, but there is no description nor is it obvious in view of the disclosure of Neeson et al. to collect such data in a file and then transfer any new files since the last transmission.

As a second point of distinction, there is no determination onboard of a remote station within range. The description in Neeson et al. is that the remote stations are in control of the communications with the locomotive. As indicated in column 7, the paragraph beginning on line 29, the base stations 52 and 54 maintain contact with the locomotive, and the communication is "passed off" to the next station along the path. The determination and initiation of communication is not from onboard the train.

Thus, Claim 1, as amended, is considered allowable over Neeson et al. by itself or in combination with other references of record.

Claim 22 and its dependent claims have been cancelled and will be the subject of a continuation application.

The amendments to the claims are to clarify the language and do not raise new issues after final. They are directed to the same limitations that were in the claims and argued before the final rejection and, therefore, should not require additional searching. Thus, the amendments should be entered after final.

Claims 1-7, 9, 10, 12-21, and 46-49 are considered allowable. Since Claim 1 is still considered generic, Claims 12-14 should also be considered.

An earnest attempt has been made to respond fully to the Examiner's rejections to the claims and to place the instant application in condition for allowance. Thus, passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/35644).

Respectfully submitted,

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Enclosure

ATTACHMENT A

COPY OF ALL OF THE CLAIMS

Amend Claim 1, and cancel Claims 22, 23, 25, 26, 28 and 29 as follows:

1. (Currently Amended) A method of transferring files between a computer onboard a train and remote stations comprising:
collecting one or more of event recorder data, train performance data and track data from onboard in files on the on-board computer;
determining onboard if a remote station is within communication range;
establishing onboard wireless communication between the on-board computer and the remote station determined to be within communication range; and
determining onboard which of the files are new since last transmission, and transferring the new files to the remote station.
2. (Original) A method according to claim 1, including determining whether the remote station has updates to be transferred and transferring the updates to the on-board computer.
3. (Original) A method according to claim 2, wherein the updates include one or more of software updates for the on-board computer, operational data and callbook that defines with which remote stations the onboard computer will initiate communication.
4. (Original) A method according to claim 2, wherein determining whether the remote station has updates to be transferred includes comparing the version in the on-board computer to the version in the remote station and transferring only the additions, changes, and deletions resulting between the comparison.
5. (Original) A method according to claim 1, wherein determining if a remote station is within range includes determining location of train and location of next remote station.
6. (Original) A method according to claim 1, wherein determining if a remote station is within range includes transmitting a wireless query and monitoring for a response.

7. (Original) A method according to claim 1, wherein, after an interruption of wireless communication, file transfers may be resumed during one or more subsequent communication sessions until all files have been received successfully.
8. (Canceled)
9. (Previously Amended) A method according to claim 1, wherein the train includes plural event recorders and including transferring data from each of the event recorders to the on-board computer.
10. (Previously Amended) A method according to claim 1, wherein the train includes plural event recorders each being connected to a respective on-board computer; and
the method includes establishing wireless communication between the on-board computers and the remote station, and transferring event recorder data from each of the on-board computers to the remote station.
11. (Canceled)
12. (Original) A method according to claim 1, including transferring the files from the remote station to a simulator; operating the simulator with the transferred files; and adjusting parameters of the simulator until data of the simulator matches data from the file.
13. (Previously Amended) A method according to claim 12, wherein the parameters include one or more of grade resistance, curve resistance, rolling resistance, tractive effort of the train's locomotives, dynamic brake effort of the locomotives, pneumatic brake system parameters, and train weight.
14. (Original) A method according to claim 12, analyzing the data from the files on the simulator after adjusting of the parameters.

15. (Original) A method according to claim 1, including establishing communication between the remote station and a home base station; and determining what files have to be transferred and transferring the files.

16. (Original) A method according to claim 15, wherein the files to be transferred from the home base station to the remote station includes one or more of software updates for the remote station, software updates for the onboard computer, operational data for the onboard computer, and a callbook that defines with which remote stations the onboard computer will initiate communication.

17. (Original) A method according to claim 15, wherein the files to be transferred from the remote station to the home base include one or more of files received from the on-board computer and files including operation information of the remote station.

18. (Original) A method according to claim 17, wherein operational information includes one or more of: locomotives contacted, which software updates were transferred, which onboard computer files were received, and communication statistics.

19. (Original) A method according to claim 15 wherein communication is established between the remote station and the home base when one or more of remote station has new files from the on-board computer, home base has new software for the remote station or on-board computer, requested by user and according to a schedule.

20. (Original) A method according to claim 1, including establishing communication between two remote stations; and determining what files have to be transferred and transferring the files.

21. (Original) A method according to claim 20, establishing communication and transferring files between remote stations for all the remote stations in a subnet.

22-45. (Canceled)

46. (Original) A method according to claim 1, wherein one of the remote stations includes track data; and including transferring the track data to the on-board computer and subsequently transferring the track data from the on-board computer to another remote station.

47. (Original) A method according to claim 46, including displaying the track data on the train.

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48. (Original) A method according to claim 46 wherein the track data includes one or more of signal aspect, crossing gate position, crossing occupancy status, and other trains in the vicinity.

49. (Original) A method according to claim 46 including correlating train performance data with track data.

50. (Canceled)
